

**IN THE CIRCUIT COURT OF  
HOT SPRING COUNTY, ARKANSAS  
CIVIL DIVISION**

**TANNER'S TRUCK & EQUIPMENT, INC.**

**PLAINTIFF**

**VS. 30CV-19-\_\_\_\_\_**

**BRIAN MUMEY and STATE FARM  
MUTUAL AUTOMOBILE INSURANCE COMPANY**

**DEFENDANTS**

**COMPLAINT**

Comes now the Plaintiff, Tanner's Truck & Equipment, Inc., by and through its attorneys, Walthall Law Firm, P.A., and for its Complaint states:

1. Plaintiff is an Arkansas corporation doing business in the State of Arkansas with its primary office located in Malvern, Hot Spring County, Arkansas. Defendant Mumey is a resident of the State of Oregon, but was operating his motor home upon the highways of the State of Arkansas at the time of the loss herein complained and is subject to the jurisdiction of this Court. Defendant, State Farm Casualty Insurance Company, is an insurance company licensed to do business in the State of Arkansas and is subject to the jurisdiction of this Court.

2. On July 20, 2019, Plaintiff was contacted by the Garland County Sheriff's Office to assist in the recovery and site remediation, where a 1989 Beaver COA, Catalina RV, located on Highway 270 Bypass, had caught fire and was disabled. Prior to the Plaintiff's furnishing any services to the Defendant's vehicle, Defendant, State Farm Insurance Company, confirmed coverage for Mr. Bryan Mumey, for hazardous material removal and site remediation and induced Plaintiff to render recovery, storage and remediation of the site. Defendant, State Farm, through its agents, confirmed the existence of the insurance coverage; the existence of hazardous waste removal coverage; and remediation coverage as well as proper disposal cost.



3. On July 22, 2019, Plaintiff contacted the Defendant, State Farm Insurance Company, regarding the address to which the invoice should be shipped or mailed. Said invoice, copies of which are attached hereto as Exhibits “A” and “B” were sent at 4:06 p.m. CST to Defendant, State Farm. On July 22, 2019, Lonnie Randolph, an Agent for Defendant State Farm, approved the invoice dispatched by Plaintiff and confirmed coverage for the services listed on the invoice. On or about August 5, 2019, Defendant State Farm, requested that Plaintiff separate its invoice for services rendered into “liability” incurred by the motor home and a separate amount for the “cleanup” of the fuel spill and other hazardous waste.

4. As of that communication, the Plaintiff had been induced to provide the transportation and cleanup services based upon earlier confirmation of coverage.


5. On or about August 27, 2019, Defendant began negotiations for less than ½ of the entire bill.

6. Defendant/owner of the damaged vehicle has refused to pay the invoice for services rendered. Defendant Mumey has received monies from his carrier, Co-Defendant, State Farm, but Defendant Mumey refuses to pay for the services rendered by the Plaintiff.

7. Defendant, State Farm Mutual Insurance Company, is guilty of fraud in that it confirmed, twice, that there was sufficient insurance coverage to compensate the Plaintiff for services rendered for recovery and for removal and remediation of the hazardous material spilled by the burning motor home and thereby confirmed that it would pay Plaintiff for its services. Said outward representations to the Plaintiff induced it to remove the damaged motor home from the state highway; to transport and store the remains of the damaged motor home; pending payment as well as cleanup and remediation of the site.

8. Defendant, State Farm, should be responsible for the \$75.00 per day storage cost on the Defendant Mumey's recreational vehicle.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays that it have Judgment against the Defendants, jointly and severally, in the amount of \$14,908.44 plus accumulated storage at a rate of \$75.00 per day, all for which levy and execution will issue, plus an award of damages in the amount of \$50,000.00 for the fraud perpetrated by the Defendant, State Farm.



G. Christopher Walthall, 74152  
Walthall Law Firm, P.A.  
447 East Page Ave.  
Malvern, AR 72104  
501-337-0272  
cwalthall@wlfattorney.com



Tanner's Truck &amp; Equipment, Inc.

P.O. BOX 853

MALVERN, AR. 72104

**Invoice**

Date	Invoice #
7/22/2019	1378

Bill To
BRIAN MUMEY

			P.O. No.	Terms
Item	Description	Qty	Rate	Amount
5030 HD	RV & HAZMAT/SITE REMEDIATION 7/20/19 - 1989 BEAVER COA CATALINA RV VIN:46GED0414K10508862 LOCATED AT THE 270 BYPASS IN HOT SPRINGS NEEDED ASSISTANCE DUE TO THE RV CATCHING ON FIRE AND BURNING.	4	550.00	2,200.00T
PETE TRIAXLE ...	TRIAxLE PETERBILT TRACTOR NEEDED TO HAUL LANDOLL TRAILER AND BURNT RV FROM THE 270 BYPASS BACK TO TANNER'S LOT	4	225.00	900.00T
LANDOLL TRAI...	LANDOLL TRAILER NEEDED ON SCENE TO HAUL BURNT RV BACK TO TANNER'S LOT.	4	150.00	600.00T
EMERGENCY R...	EMERGENCY RESPONSE UNIT - HOUSES HAZMAT TOOLS AND MATERIALS AS WELL AS SMALL TOOLS AND EQUIPMENT NEEDED ON AN ACCIDENT - CALL OUT (HALF)	1	500.00	500.00T
EMERGENCY R...	EMERGENCY RESPONSE UNIT -HOUSES HAZMAT TOOLS AND MATERIALS AS WELL AS SMALL TOOLS AND EQUIPMENT NEEDED ON AN ACCIDENT - HOURLY RATE (HALF)	4	300.00	1,200.00T

**Subtotal****Sales Tax (9.5%)****Total****Payments/Credits****Balance Due**

Phone #

501-337-4381



Tanner's Truck &amp; Equipment, Inc.

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MALVERN, AR. 72104

**Invoice**

Date	Invoice #
7/22/2019	1378

Bill To
BRIAN MUMEY

		P.O. No.		Terms
Item	Description	Qty	Rate	Amount
BACK HOE-580-C	CASE BACKHOE NEEDED ON SCENE TO CLEAN UP THE ENVIRONMENTAL HAZARD AND THE SHOULDER OF THE ROAD. (HALF)	4	175.00	700.00T
DUMP TRUCK - ...	TRIAXLE PETERBILT DUMP TRUCK NEEDED TO HAUL 30 FT TILT DECK TRAILER AND BACKHOE. ALSO NEEDED TO HOUSE THE HAZARDOUS MATERIAL OF THE BURNT RV	4	200.00	800.00T
30FT TILT DECK...	30 FT TILT DECK TRAILER USED TO HAUL BACKHOE	4	125.00	500.00T
LANE CLOSURE...	LANE CLOSURE EQUIPMENT NEEDED ON SCENE DUE TO THE LOCATION AND EXTENT OF THE DAMAGE (HALF)		750.00	750.00T
SUPERVISOR	SUPERVISOR NEEDED ON SCENE DUE TO THE EXTENT OF THE DAMAGE AND EQUIPMENT USED. (ALL)	4	135.00	540.00T
HAZ MAT SAFE...	HAZMAT SAFETY SUPERVISOR NEEDED ON SCENE DUE TO THE HAZARDOUS MATERIAL.	4	135.00	540.00T
EXTRA MAN	2 EXTRA MAN NEEDED TO ASSIST IN THE ACCIDENT/WRECK/TOW/ETC AT 4 HOURS EACH (HALF)	8	110.00	880.00T

**Subtotal****Sales Tax (9.5%)****Total****Payments/Credits****Balance Due**

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7/22/2019	1378

Bill To
BRIAN MUMEY

		P.O. No.		Terms
Item	Description	Qty	Rate	Amount
DISPOSAL	DISPOSAL OF HAZARDOUS MATERIAL AND CONTAMINATED SOIL.		1,250.00	1,250.00T
EQUIPMENT CL....	CLEAN UP ON THE EQUIPMENT TO GET CERTAIN LIQUIDS, MUD, ETC. OFF FROM THE ACCIDENT/WRECK/TOW/ETC. (5 OUT OF 8)	8	85.00	680.00T
LABOR	LABOR FOR UNLOADING BURNT RV, WRECKER, AND 2 FORKLIFTS (TAYLOR FORKLIFTS) TO UNLOAD.		750.00	750.00T
STORAGE	STORAGE FOR BURNT RV 7/20/19 - 10/2/19	11	75.00	825.00T

<b>Subtotal</b>	\$13,615.00
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<b>Sales Tax (9.5%)</b>	\$1,293.44
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<b>Total</b>	\$14,908.44
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<b>Payments/Credits</b>	\$0.00
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<b>Balance Due</b>	\$14,908.44
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Phone #
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RV = -9,039.24  
 Hazmat = 5,869.20



Tanner's Truck &amp; Equipment, Inc.

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# Invoice

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PETE TRIAXLE ...	TRIAxLE PETERBILT TRACTOR NEEDED TO HAUL LANDOLL TRAILER AND BURNT RV FROM THE 270 BYPASS BACK TO TANNER'S LOT	4	225.00	900.00T
LANDOLL TRAIL...	LANDOLL TRAILER NEEDED ON SCENE TO HAUL BURNT RV BACK TO TANNER'S LOT.	4	150.00	600.00T
EMERGENCY R...	EMERGENCY RESPONSE UNIT - HOUSES HAZMAT TOOLS AND MATERIALS AS WELL AS SMALL TOOLS AND EQUIPMENT NEEDED ON AN ACCIDENT - CALL OUT (HALF)	0.5	500.00	250.00T
EMERGENCY R...	EMERGENCY RESPONSE UNIT -HOUSES HAZMAT TOOLS AND MATERIALS AS WELL AS SMALL TOOLS AND EQUIPMENT NEEDED ON AN ACCIDENT - HOURLY RATE (HALF)	2	300.00	600.00T
			Subtotal	
			Sales Tax (9.5%)	
			Total	
			Payments/Credits	
			Balance Due	

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DUMP TRUCK - ...	TRIAXLE PETERBILT DUMP TRUCK NEEDED TO HAUL 30 FT TILT DECK TRAILER AND BACKHOE. ALSO NEEDED TO HOUSE THE HAZARDOUS MATERIAL OF THE BURNT RV	0	200.00	0.00T
30FT TILT DECK...	30 FT TILT DECK TRAILER USED TO HAUL BACKHOE	0	125.00	0.00T
LANE CLOSURE...	LANE CLOSURE EQUIPMENT NEEDED ON SCENE DUE TO THE LOCATION AND EXTENT OF THE DAMAGE (HALF)	0.5	750.00	375.00T
SUPERVISOR	SUPERVISOR NEEDED ON SCENE DUE TO THE EXTENT OF THE DAMAGE AND EQUIPMENT USED. (ALL)	4	135.00	540.00T
HAZ MAT SAFE...	HAZMAT SAFETY SUPERVISOR NEEDED ON SCENE DUE TO THE HAZARDOUS MATERIAL..	0	135.00	0.00T
EXTRA MAN	2 EXTRA MAN NEEDED TO ASSIST IN THE ACCIDENT/WRECK/TOW/ETC AT 4 HOURS EACH (HALF)	4	110.00	440.00T
			<b>Subtotal</b>	
			<b>Sales Tax (9.5%)</b>	
			<b>Total</b>	
			<b>Payments/Credits</b>	
			<b>Balance Due</b>	

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Item	Description	Qty	Rate	Amount
DISPOSAL	DISPOSAL OF HAZARDOUS MATERIAL AND CONTAMINATED SOIL.	0	1,250.00	0.00T
EQUIPMENT CL...	CLEAN UP ON THE EQUIPMENT TO GET CERTAIN LIQUIDS, MUD, ETC. OFF FROM THE ACCIDENT/WRECK/TOW/ETC. (5 OUT OF 8)	5	85.00	425.00T
LABOR	LABOR FOR UNLOADING BURNT RV, WRECKER, AND 2 FORKLIFTS (TAYLOR FORKLIFTS) TO UNLOAD.		750.00	750.00T
STORAGE	STORAGE FOR BURNT RV 7/20/19 - 7/30/19	11	75.00	825.00T

<b>Subtotal</b>	\$8,255.00
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<b>Sales Tax (9.5%)</b>	\$784.24
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<b>Total</b>	\$9,039.24
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<b>Payments/Credits</b>	\$0.00
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<b>Balance Due</b>	\$9,039.24
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